

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 6860

Petitions of Vermont Electric Power Company, Inc.     )  
(VELCO) and Green Mountain Power Corporation     )  
(GMP) for a certificate of public good, pursuant to 30     )  
V.S.A. Section 248, authorizing VELCO to construct     )  
the so-called Northwest Vermont Reliability Project,     )  
said project to include: (1) upgrades at 12 existing     )  
VELCO and GMP substations located in Charlotte,     )  
Essex, Hartford, New Haven, North Ferrisburgh,     )  
Poultney, Shelburne, South Burlington, Vergennes,     )  
West Rutland, Williamstown, and Williston,     )  
Vermont; (2) the construction of a new 345 kV     )  
transmission line from West Rutland to New Haven;     )  
(3) the reconstruction of a portion of a 34.5 kV and 46     )  
kV transmission line from New Haven to South     )  
Burlington; and (4) the reconductoring of a 115 kV     )  
transmission line from Williamstown to Barre,     )  
Vermont –     )

Order entered: 1/3/2006

**ORDER RE: APPROVAL OF THE NEW HAVEN SUBSTATION**

On January 28, 2005, the Vermont Public Service Board ("Board") issued an Order and Certificate of Public Good ("CPG") approving the Northwest Reliability Project proposed by Vermont Electric Power Company, Inc. ("VELCO") and Green Mountain Power Corporation ("GMP"). A condition of the January 28 Order and CPG stated:

Petitioners shall file, for the Board's approval, final construction plans for the 345 kV line, 115 kV line, and the substation upgrades, concurrent with plans for aesthetic and environmental mitigation, as required by the post-certification process described in the Order. Petitioners may commence construction only after receiving approval for such plans, and receipt of all necessary permits.

Another condition of the January 28 Order and CPG provided: "Petitioners shall relocate the New Haven substation, consistent with the findings and conclusions of Section V.B of the

Order, unless it can demonstrate that such action is not feasible." Section V.B. of the January 28 Order stated, in part:

VELCO must fully explore the feasibility of moving the expanded New Haven substation to the south and west, to the general area proposed by New Haven. The specific location and footprint of the relocated substation must be determined following appropriate technical, environmental, archeological, and aesthetic analysis in a post-certification proceeding. That proceeding will also review the locations and extent of clearing, locations and types of screening from additional vegetation or other screening measures such as berms, and other aesthetic mitigation that might be needed. The relocation of the existing lines and proposed lines at the substation would also be addressed during this proceeding, as would the removal of the existing substation and the aesthetic remediation of the existing site.

In today's Order, the Board approves the final construction and clearing plans for the New Haven substation. Therefore, as the January 28 Order provides, VELCO may commence construction of the New Haven substation line if it has received all necessary permits, and subject to the additional conditions set forth herein.

#### **Feasibility Study**

On July 15, 2005, VELCO filed a New Haven Feasibility Study to address the relocation of the New Haven substation to the south and west, as proposed by the Town of New Haven. Based upon the results of the Feasibility Study, VELCO concluded that "the new location is in fact feasible based upon the appropriate technical, environmental, archeological, and aesthetic analyses."<sup>1</sup> Wetlands on the proposed relocated site are all Class III wetlands, and are not as extensive as the wetlands on the originally proposed site for the expanded substation; therefore, relocating the substation would result in a reduction of wetland impacts. No rare, threatened, or endangered species, and no rare or irreplaceable natural areas were observed on the relocation site, nor are any mapped for the area. No critical wildlife habitat was observed at the relocation area. One tree on the site may be suitable for use as a roosting site for the Indiana bat; however, the tree is not likely to be used as habitat by a maternal colony, so it would not be considered critical habitat for this species. If this tree is removed during winter, there should be no adverse

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1. Best pf. (7/15/05) at 2.

impacts.<sup>2</sup> The relocation of the New Haven substation would have no adverse effect on significant archeological or historic resources.<sup>3</sup> No party commented on VELCO's July 15, 2005, Feasibility Study.

### **Construction and Clearing Plans**

On July 28, 2005, VELCO filed "final New Haven substation plans," which include: (1) a one-line diagram; (2) a general arrangement plan with lighting; (3) general arrangement elevations; (4) a tree-clearing plan; (5) a finished site plan; and (6) a landscape plan. These plans are for construction of the New Haven substation in the location evaluated in the Feasibility Study. At a status conference held on August 2, 2005, and in written filings, parties provided comments on the scope of the review of the New Haven substation. On August 22, 2005, the Hearing Officer appointed for review of the New Haven substation issued an Order stating:

the appropriate scope of review for the New Haven substation will be limited to the construction of the relocated substation and the removal of the existing substation (including the relocated portion of the CVPS 46 kV line to the Hewitt Road substation shown on VELCO's filings of July 28, 2005, and August 11, 2005). This review will not encompass the location of the corridors for the 115 kV and 345 kV lines entering or exiting the substation, but may include a limited consideration of impacts associated with the lines entering and exiting the substation in the immediate vicinity of the substation to the extent that such impacts would follow from the substation design rather than from the choice of corridor for the lines. This review will be limited to the site-specific impacts of the proposed substation under the criteria of 30 V.S.A. § 248(b).

On August 25, 2005, the Hearing Officer held a site visit to view the relocation area for the New Haven substation. Comments on VELCO's New Haven substation plans were filed by James & Catherine Walsh, Polly Darnell, and James Newton & Susan Dann (collectively, the "Forest Drive Residents"), and from the Vermont Department of Public Service ("Department"). The Forest Drive Residents expressed concern with VELCO's proposed limits of clearing north of the proposed substation, and requested that there be no clearing beyond 100 feet north of the proposed substation. The Department stated that, in general, it supports the clearing concerns expressed by the Forest Drive Residents, although it does not know specifically whether 100 feet

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2. Gilman pf. (7/15/05) at 3; exh. VELCO Post-CPG-AVG-2.

3. Knight pf. at 3; exhs. VELCO Post-CPG-CK-2 & -3.

is the proper limit for clearing. The Department stated that it believes that there should be no clearing outside of the substation boundaries beyond what is necessary to safely construct and operate the substation. The Department further stated that the scope of the approval should be limited to the scope of review stated in the Hearing Officer's Order of August 22, 2005, and that the Department understands that the Board will not be approving or disapproving at this time any clearing for the 115 kV lines exiting the substation towards Route 17 that may be shown on the plans. The Department also stated that the requirement for pre-construction noise measurements at the substation is presumably satisfied by the measurements at the existing substation taken during the course of the proceeding, and included in exh. VELCO KK-DD-3. The Department has no objection to the approval of the New Haven substation plans, subject to its comments summarized above.

On October 24, 2005, VELCO filed a revised clearing plan, which was negotiated with the Forest Drive Residents and the Department. VELCO stated that the revised clearing plan reflects the minimum clearing required for construction of the substation itself, the first structure north of the substation, the access roads required for construction of the substation, and the sewer main. No party commented on VELCO's October 24, 2005, filing.

On November 23, 2005, VELCO filed a letter with the Board that described minor changes to the 46 kV breakers. No party commented on VELCO's November 23, 2005, filing.

### **Permits**

On April 20, 2005, VELCO filed a schedule for post-CPG NRP design, permit, and mitigation filings. That schedule indicated that the following permits were to be obtained for the New Haven substation: Waste Water; Army Corps of Engineers; and Erosion Prevention & Sedimentation Control Plan. On October 14, 2005, VELCO filed the Potable Water Supply and Wastewater System Permit. On November 29, 2005, VELCO filed the Construction General Permit ("CGP"). The CGP authorized construction during the winter construction period (October 15 - May 1) in accordance with the "Erosion Control Plan Winter Construction (October 15 - May 1)" drawing number 210-6017D, revised September 8, 2005. On December 23, 2005, VELCO filed with the Board an Army Corps of Engineers permit. VELCO has now filed with the Board and the parties all permits it identified as necessary for the New

Haven substation in its April 20, 2005, filing. None of the permits appear to require any changes to the design of the New Haven substation. No comments on any of VELCO's permit filings for the New Haven substation were received within the period established by the Board.

### **Post-construction Noise Study**

A condition of the January 28 Order and CPG required that: "Petitioners shall conduct pre- and post-construction noise measurements at all substations and file the results with the Board and affected parties." As mentioned above, VELCO conducted a pre-construction noise study at the existing New Haven substation. However, VELCO's schedule filed on April 20, 2005, does not include a post-construction noise study for the relocated New Haven substation. We will require VELCO to perform a post-construction noise study at the New Haven substation.

### **Conclusion**

Based upon the above, VELCO's "final New Haven substation plans" filed on July 28, 2005, which include: (1) a one-line diagram; (2) a general arrangement plan with lighting; (3) general arrangement elevations; (4) a finished site plan; and (5) a landscape plan, are approved. VELCO's tree clearing plan filed on July 28, 2005, is not approved; rather, VELCO's revised tree clearing plan filed on October 24, 2005, is approved. Today's approval also includes the minor changes described in VELCO's letter of November 23, 2005. VELCO may begin site preparation for and construction of the relocated New Haven substation, in accordance with the approved plans and subject to the following conditions:

1. Prior to commencement of site preparation for and construction of the New Haven substation, VELCO shall inform the Board only if any of the following are applicable:
  - a. Any of the permits addressed in this Order require any changes to the design of the New Haven substation.
  - b. Any additional permits or approvals, other than those addressed in this Order, are required for the New Haven substation.

If neither 1.a. nor 1.b. are applicable, VELCO may begin site preparation for and construction of the New Haven substation without any further notification to the Board.

2. The tree on the relocated New Haven substation site that may be suitable for use as a roosting site for the Indiana bat may only be removed during the winter months.

3. Construction is approved through May 1, in accordance with the Construction General Permit. If construction activities are anticipated to extend into the summer months (May 2 - October 14), VELCO must obtain prior approval for an Erosion Prevention and Sedimentation Control Plan for these months.

4. Within 30 days of the completion of construction of the New Haven substation, including all landscaping and aesthetic mitigation, and the complete removal of the existing New Haven substation, VELCO shall so inform the Board, and the Board will schedule a post-construction site visit. Based upon the site visit, the Board reserves the right to require additional aesthetic mitigation.

5. Within 30 days of the completion of construction of the New Haven substation, including all landscaping and aesthetic mitigation, and the complete removal of the existing New Haven substation, VELCO shall file a plan, to be approved by the Board, for conducting a post-construction noise study at the New Haven substation.

SO ORDERED.

Dated at Montpelier, Vermont, this 3<sup>rd</sup> day of January, 2006.

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	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: January 3, 2006

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*